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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,593

10/18/2005

H Randall Craig

HRCM.P-007

6075

57380 7590 09/22/2008

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EXAMINER

FRECH, KARL D

ART UNIT

PAPER NUMBER

2887

NOTIFICATION DATE

DELIVERY MODE

09/22/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket-oppedahl@oppedahl.com

Office Action Summary	Application No. 10/553,593	Applicant(s) CRAIG, H RANDALL	
	Examiner Karl D. Frech	Art Unit 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 1-30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/18/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/05, 12/05</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. Claims 1-30 are objected to because of the following informalities: Applicant currently numbers the claims by placing individual claim numbers in brackets. However, brackets are reserved for removal of subject matter and as such the claims are not currently numbered. It is suggested that applicant amend the claims clearly reciting the claim number such as "Claim 1. ...". Appropriate correction is required.
3. Claims 1-30 would be allowable over the prior art of record if rewritten to overcome the objection above.
4. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or fairly suggest to one of ordinary skill in the art at the time of the invention, in conjunction with all the other limitations of the claims; regarding claims 1-5,7,9 and 10: the sperm life plate rotating on the axis, regarding claims 6 and 8: the gestational ultrasound landmark probability curves, regarding claim 11: the third scale wherein the markers represent a percent calculation of likelihood of fetus survival upon delivery at a corresponding gestational age, regarding claim 12: the scale wherein the markers represent cervix length, regarding claim 13: the second scale wherein the markers represent a percent likelihood of ongoing pregnancy for an expecting mother under an age of forty years, and a third scale wherein the markers represent a percent likelihood of ongoing

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pregnancy for an expecting mother over an age of forty years,

regarding claim 14: the first scale wherein the markers represent the percent likelihood of IVF pregnancy per cycle and a second scale wherein the markers represent a percent likelihood of COH-IUI pregnancy per cycle,

regarding claim 15, the first scale wherein the markers represent a likelihood of Down's syndrome corresponding to a particular age of a mother, and a second scale wherein the markers represent a likelihood of Aneuploid corresponding to a particular age of a mother,

regarding claims 16-19: the evenly spaced dates spanning at least nine months and a second scale marked with landmarks of interest with respect to human gestation,

regarding claim 20 and 21; the first plate having a scale bearing markings of height or weight disposed in a logarithmic spacing and second plate having a scale representing the other of height or weight of a patient, the first plate further having body mass index markings,

regarding claims 22-29, the first plate having a scale bearing markings representing the biparietal diameter or the abdominal circumference and a second plate having a scale bearing markings representing the other of the biparietal diameter or the abdominal circumference, and

regarding claims 30 and 31: the first plate having a scale indicative of a level of #-hCG.

5. This application is in condition for allowance except for the above formal matters.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

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A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D. Frech whose email address is karl.frech@uspto.gov. If attempts to reach the examiner by email are unsuccessful, the examiner's telephone number is (571) 272-2390. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karl D Frech/
Primary Examiner, Art Unit 2887

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